

PROBATE CALENDAR NOTES

August 28, 2020

8:30 AM, Department 40

Placer County Superior Court

UPDATED August 25, 2020, 10:45 AM

All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:

Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.

Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to possible delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.*

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **August 28, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

1. S-PR-0006528 Helalian, Dean Y. - In Re the Trust of

Amended 5th SNT trustee account is recommended for approval as prayed.

2. S-PR-0006879 Dorothy S Ybarra Trust; In re the

Petition to remove trustee and compel trustee account

Appearance is required for continued hearing on petition to remove trustee and compel trustee account.

Trustee account (2016-2019)

Appearance is required for continued hearing on trustee account (2016-2019).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

3. S-PR-0007299 Nunez, Ida - In Re the Estate of

Appearance is required for continued hearing on account / objections to account of Angelina Nunez as agent for decedent.

Missing Angelina Nunez's response to objections. Although previous minutes indicate the response was electronically delivered to the clerk, the clerk has been unable to locate an e-delivered or filed response to objections. The court's e-delivery system indicates that as many as two incomplete submissions for this case may have been attempted in late June 2020; however, the clerk is unable to see what document(s) may have been submitted or who may have attempted the submission.

4. S-PR-0009034 Josefina S. Guiuan Liv Trust; In re the

Amended petition to determine trust property, remove occupants, and for other relief

Appearance is required for continued hearing on amended petition to determine trust property, remove occupants and for other relief.

Current status is needed. Note: petitioner has indicated an intention to dismiss this petition.

Petition for instructions & trustee account

Appearance is required for hearing on petition for instructions and trustee account.

It is recommended the requests for instructions (dismissal of pending litigation; determination not to pursue claims against estate of former trustee) be denied as not reasonably necessary for the protection of the interests of the trustee or any beneficiary, Prob.C. § 17202. Trust administration should proceed expeditiously and free of judicial

intervention to the extent possible, Prob.C. § 17209. There is no apparent need here for the court to instruct the trustee on these questions.

It is recommended the account and proposed distribution, including the allocation of litigation expenses, be approved in the absence of objections thereto.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

5. S-PR-0009316 Ferreira, Joseph R- In Re the Conservatorship of

Note: this matter was set by the clerk on the probate calendar in error. Any necessary continuance or future hearing should be set only on the conservatorship calendar.

Second and final conservatorship account is recommended for approval as prayed.

6. S-PR-0009529 Pantoja Fam Liv Trust; In re the

Appearance is required for hearing on amended petition to determine invalidity of trust restatements.

Missing service of notice of hearing to Lupe Pantoja.

Note: consolidated civil complaint re elder abuse is at issue (all defendants have answered).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

7. S-PR-0009744 Carlander, James C - In Re the Estate of

Real and personal property succession petition

Missing Attachments 11, 13, and 14 to the petition.

Missing inventory and appraisal.

Clarification is needed: petition includes ¶ 10b, indicating decedent was survived by no issue; however, ¶ 9a(5) indicates petitioner was survived by a child.

Amended petition to administer estate

Amended petition to administer estate is recommended for approval as prayed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

8. S-PR-0009901 Meredith, Keith Kingsbury - In re the Estate

Petition for final distribution is recommended for approval as prayed

9. S-PR-0009995 Peters, Wesley Rolland - In Re Estate of

Clarification is needed: petitioner alleges decedent died intestate at ¶¶ 29 & 31. A will was previously admitted to probate, and the prayer for distribution appears to conform to the will.

10. S-PR-0010000 Josefina S Guiuan Liv Trust; In re the

Appearance is required for continued hearing on petition to determine trust property.

Missing amended petition to determine trust property. The minutes of the January 17 hearing indicate an amended petition was anticipated for the March 27 hearing. None was filed.

It is recommended the petition to determine trust property be denied. There is no evidence of trust funding of the subject accounts by settlor. The "release" by Merlo Guiuan does not mention one of the subject accounts and appears to be insufficient to transfer the accounts to the trustee. This recommendation is not a tentative ruling on the merits of the petition. Local Rule 80.1.4.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

11. S-PR-0010052 Paris, Janis Marlene- In re the Estate of

Petition for final distribution is recommended for approval as prayed.

12. S-PR-0010116 Christensen, Craig G. - In re the Estate of

Missing notice of hearing on petition to administer estate. Missing service of notice of hearing. Missing proof of publication of notice of hearing.

Note: missing signed duties form (DE-147) by proposed administrator. The clerk cannot issue letters until duties form is filed. C.R.C. 7.150.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

13. S-PR-0010168 Betty B Domschot Liv Trust; In re the

Notice of hearing filed April 28 omits information required by Prob.C. § 851(c)(1) & (3). Mandatory Judicial Council form DE-115 was adopted for § 851 notice. New notice and service or waivers of hearing are needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

14. S-PR-0010191 Godager, Laurie Jean; In re the Estate of

Missing correct notice form for petition to administer estate. Use of mandatory form DE-121 is required. Missing service of sufficient notice of hearing.

Missing relationship of proposed administrator to decedent, ¶ 3g(2)(c).

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (5)-(6) (child(ren)).

Clarification is needed: petitioner alleges ¶ 6f, indicating decedent was survived by no spouse, issue, parent, issue of parent, grandparent, issue of grandparent, or issue of predeceased spouse. However, copy of death certificate attached to the petition suggests that Christie Young is a surviving sibling of decedent (issue of parents of decedent). Missing relationship(s) of persons listed in ¶ 8 to decedent.

Missing waiver(s) of bond by heir(s). Use of form DE-111(A-3e) is required for each waiver of bond.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

15. S-PR-0010340 Joseph L Frey & Rita M Frey Rev Trust; In re the

Petition to modify irrevocable trust is recommended for approval as prayed.

16. S-PR-0010342 Fay R McBride Rev Trust; In re the

Missing 30 days' service of amended notice of hearing. Prob.C. §§ 851, 17203.

17. S-PR-0010359 Ereno Family 1995 Trust; In re the

Petition to modify irrevocable trust is recommended for approval as prayed.

18. S-PR-0010379 Fernandez, Robert Benjamin, Sr. - In Re the Estate of

Missing required allegations at ¶¶5a(3)-(4) (RDP) and 5b (step- / foster child(ren)).

19. S-PR-0010380 Eatough, Larry - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

20. S-PR-0010381 Pamela G Beneventi Rev Trust; In re the

Missing notice of hearing. Missing service of notice of hearing.

It is recommended the petition to determine trust property be denied. A pourover will, by definition, speaks at death to direct assets to a trust *through probate*. It is not a substitute for inter vivos funding. Petitioner offers no evidence of inter vivos funding or any attempt at inter vivos funding of the property. *Estate of Heggstad* (1993) 16 Cal.App.4th 943 and its progeny, including *Ukkestad v. RBS Asset Finance, Inc.* (2015) 235 Cal.App.4th 156 require evidence of inter vivos funding. For example, the trust does not describe the subject real or personal property either in the trust or in any trust attachment.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

21. S-PR-0010382 Olson, Diane Carol - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.

22. S-PR-0010383 Raught Trust; In re the

Missing copy of subject trust or other clarifying allegations. The court cannot evaluate the sufficiency of service without reference to the terms of the trust. The petition does not allege whether there are any named successor trustees other than petitioners and does not identify trust beneficiaries.

Note: although notice was not served on the mandatory Judicial Council form for § 850 petitions (DE-115), the notice served does appear to include all information required by Prob.C. §§ 851 and 1211.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

23. S-PR-0010384 Schutte Fam Liv Trust; In re the

Appearance is required for hearing on petition to remove trustee and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

24. S-PR-0010386 Raisher, Helene P. - In Re the Estate of

Petition to administer estate is recommended for approval as prayed.